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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,768	07/14/2003	Akira Kuramori	OGW-0276	4045
23353	7590	11/10/2004	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			BELLINGER, JASON R	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/617,768	KURAMORI ET AL.
	Examiner	Art Unit
	Jason R Bellinger	3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4,5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2 and 5 is/are allowed.
- 6) Claim(s) 1, 4, 7-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not describe the limitation setting forth that the support surface of the circular shell of the run-flat support member is "contacting a pair of beads" of the tire. As shown in the drawings, the leg portions 4b, either directly or through the elastic ring 5, are the only elements of the shell that contact the beads of the tire. The support surface 4a is not shown to contact the tire beads. Therefore this limitation is considered to be new matter, and should be removed from the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 8-10 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross. Ross shows a run-flat tire and wheel assembly including a run-flat

support member having a circular shell 1 that is inserted into a cavity formed by a pneumatic tire 5 mounted onto a wheel rim 11, the circular shell 1 having a support surface extending in the circumferential direction of the pneumatic tire 5.

Leg portions 2 extend along each end of the support surface of the shell 1.

Stages 7 protrude from the tire beads 6 and extend in the circumferential direction of the tire 5. The leg portions 2 flank an edge of the support surface of the circular shell 1, and contact the beads 6 and stages 7.

The support member 1 is separated from the tread of the tire 5 under normal driving conditions; and is structurally adapted to support the tire 5 when the tire 5 is deflated. A rubber portion protrudes axially from the bead 6 of the tire 5, and a surface of the rubber portion forms the stage 7.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Glintz et al. Ross contains all of the limitations as set forth in paragraph 4 above, but does not show the support surface including at least one convexly curved portion aligned in the axial direction of the tire. Glintz et al teaches the use of a support surface 22 of a run-flat device 19 having at least one convexly curved portion aligned in the axial direction of the tire. Therefore from this teaching it would have been obvious to

one of ordinary skill in the art at the time of the invention to provide the support surface of Ross with at least one convexly curved portion for the purpose of allowing the run-flat device to engage an under-inflated tire at a distance farther from the rim to prevent undue damage to the rim during rotation.

7. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Hojo. Ross does not show the rubber portions that form the stages are made from a harder material than the beads.

Hojo teaches a tire having beads formed of a radially inwardly located rubber portion 7-1 having a higher stiffness than that of adjacent rubber portions 7-2. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rubber portions forming the stages of Ross with a material having a hardness greater than that of the beads for the purpose of increasing the load-bearing capacity of the bead stages.

Allowable Subject Matter

8. Claims 2 and 5 have been found to be allowable over the prior art.

Response to Arguments

9. Applicant's arguments filed 18 August 2004 have been fully considered but they are not persuasive. The Applicant argues that the support surface of Ross does not extend in the tire circumferential direction and contact a pair of beads. However, as

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clearly shown in Figure 1 of Ross, the support surface of the circular shell 1 extends in the circumferential direction of the tire.

The limitation that the support surface contacts the beads is considered new matter (see paragraph 2 above). Therefore, the support surface of the circular shell 1 of Ross is considered to contact the pair of beads 6 inasmuch as the support surface of the run-flat device of the Applicant's does.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R Bellinger whose telephone number is 703-308-6298. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617


jrb


S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
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